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11 Attorneys for FIDELITY NATIONAL TITLE INSURANCE
12 COMPANY and CHICAGO TITLE INSURANCE
13 COMPANY

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 CHRISTIANA TRUST, A DIVISION OF
17 WILMINGTON SAVINGS FUND
18 SOCIETY, FSB, NOT IN ITS
19 INDIVIDUAL CAPACITY BUT AS
20 TRUSTEE OF ARLP TRUST 3,

21 Plaintiff,

22 vs.

23 FIDELITY NATIONAL TITLE
24 INSURANCE COMPANY, CHICAGO
25 TITLE INSURANCE COMPANY and
26 TICOR TITLE INSURANCE COMPANY,

27 Defendant.

28 Case No.: 2:19-cv-00385-JAD-VCF

29 **STIPULATION AND PROPOSED
30 ORDER EXTENDING DEFENDANTS
31 FIDELITY NATIONAL TITLE
32 INSURANCE COMPANY'S, CHICAGO
33 TITLE INSURANCE COMPANY'S
34 AND TICOR TITLE INSURANCE
35 COMPANY'S TIME TO RESPOND TO
36 COMPLAINT**

37 **(First Request)**

38 Plaintiff Christiana Trust, A Division of Wilmington Savings Fund Society, FSB, Not in Its
39 Individual Capacity But as Trustee of ARLP Trust 3 (“Christiana Trust”), and defendants Fidelity
40 National Title Insurance Company (“Fidelity”) and Chicago Title Insurance Company (“Chicago
41 Title”), by and through their counsel of record, hereby stipulate as follows:

42 **WHEREAS**, Christiana Trust filed its complaint in this matter on March 5, 2019 (ECF No.
43 1);

44 **WHEREAS**, Fidelity was served with the summons and complaint on or about March 28,
45 2019;

1 **WHEREAS**, Fidelity's response to the complaint is due on April 18, 2019;

2 **WHEREAS**, Chicago Title was served with the summons and complaint on or about March
3 22, 2019;

4 **WHEREAS**, Chicago Title's response to the complaint is due on April 12, 2019;

5 **WHEREAS**, Christiana Trust contends that it served defendant Ticor Title Insurance
6 Company ("Ticor Title") with the Summons and Complaint on or about March 22, 2019;

7 **WHEREAS**, Ticor Title's response to the Complaint would be due on April 12, 2019;

8 **WHEREAS**, Chicago Title and Fidelity contend that Ticor Title is not a proper party
9 defendant because they contend that Ticor Title merged into Chicago Title in 2010 (and that any
10 claims that could have been asserted against Ticor Title must therefore be asserted against its
11 corporate successor);

12 **WHEREAS**, the parties are presently meeting and conferring on whether there is subject
13 matter jurisdiction in the United States District Court over this dispute and, if so, whether Ticor
14 Title is properly a defendant in this action;

15 **WHEREAS**, Christiana Trust has agreed to extend Fidelity's, Chicago Title's, and Ticor
16 Title's (if applicable) time to respond to the complaint to May 3, 2019 to afford the parties additional
17 time to consider the jurisdictional issue and whether Ticor Title is properly joined as a defendant;
18 and

19 **WHEREAS**, this is the first stipulation for an extension of Fidelity's, Chicago Title's, and
20 Ticor Title's time to respond to the complaint.

21 Now, therefore, the parties hereto, by and through their counsel of record, hereby stipulate
22 and agree as follows:

- 23 1. Fidelity, Chicago Title and Title Title (if applicable) shall file their responses to the
24 complaint in this matter on or before May 3, 2019.

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28 //

1 2. Defendants intend to preserve their right and do not expressly waive any and all defenses
2 listed in Fed. R. Civ. P. 12(b), including with respect to whether they are subject to
3 personal jurisdiction in this forum.

4 Dated this 11th day of April 2019

5 EARLY SULLIVAN WRIGHT
6 GIZER & MCRAE LLP

7 */s/--Kevin S. Sinclair*

8 By: _____
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13 601 South Seventh Street, 2nd Floor
14 Las Vegas, Nevada 89101

15 Attorneys for Defendants
16 Fidelity National Title Insurance Company and
17 Chicago Title Insurance Company

18 Dated this 11th day of April 2019

19 WRIGHT, FINLAY & ZAK, LLP

20 */s/--Lindsay D. Robbins*

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28 Attorneys for Plaintiff
29 Christiana Trust, A Division of Wilmington Savings
30 Fund Society, FSB, Not in Its Individual Capacity But
31 as Trustee of ARLP Trust 3

32 **ORDER**

33 **IT IS SO ORDERED:**

34 
35 By: _____
36 Cam Ferenbach
37 United States Magistrate Judge

38 Dated: April 11, 2019